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GOVERNOR

STAFF OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A HUMPHRIES
DIRECTOR

224350

FILED

December 16, 2008

Ms Anne K Quinlan
Acting Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JAN 14 2009

Part of
Public Record



Dear Ms Quinlan

SUBJECT Mid-Michigan Railroad, Inc – Abandonment Exemption – in Muskegon County, Michigan, STB Docket No AB-364 (Sub-No 13X)

This late request is filed on behalf of the Michigan Department of Natural Resources, which is a government agency interested in recreation, natural resources, and corridor preservation, hereinafter referred to as "proponent "

Request for Interim Trail Use

A portion of the railroad right-of-way in this proceeding is suitable for railbanking. Proponent requests issuance of an Interim Trail Use Condition, rather than an outright abandonment authorization on that portion of the rail line between milepost 191 40 and milepost 191 90 in Muskegon County, Michigan

Justification for this condition is The corridor would make an excellent recreational trail and provides an extension of a rail corridor already developed for trail use by proponent

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U S C §1247(d), and 49 CFR §1152 29, the proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Mid-Michigan Railroad, Inc.

The property extends from railroad milepost 191 40 to milepost 191 90, a distance of 0 55 miles in Muskegon County, Michigan The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB-364 (Sub-No 13X)

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A map depicting the right-of-way is enclosed. Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the representative of Mid-Michigan Railroad, Inc. Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204-4022, by U.S. Mail, postage pre-paid, first class, this 15th day of December, 2008.

If you need further information or assistance, please contact Mr. Roger Storm, Railway Acquisition Specialist, Office of Land and Facilities, at 517-335-3258, or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James Radabaugh". The signature is fluid and cursive, with a long horizontal stroke at the end.

James Radabaugh, State Trails Coordinator
Forest, Mineral and Fire Management
517-373-1276

Enclosure

cc Mr. Louis E. Gitomer, Law Offices
of Louis E. Gitomer
Mr. Todd N. Cecil, RailAmerica, Inc.
Mr. David Freed, DNR
Mr. Roger Storm, DNR

